

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

26

DIVISION BENCH

**CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI D.R. DESHMUKH, J.**

M.A.No.794 OF 2006

APPELLANTS
DRIVER

1. Govind Sahu
S/o Shri Chaman Lal Sahu
Aged about 35 Years, R/o Village
Charvahi, Post Belmad, Thana &
Tahsil Balod, Distt. Durg (C.G.)

OWNER

2. Chaman Lal Sahu, S/o Shyam Lal
Sahu, aged about 60 years, R/o.
Village Charvahi, Post Balmad,
Thana & Tahsil Balod, Distt. Durg
(C.G.)

Versus

RESPONDENTS
CLAIMANTS

1. Rishou Ram S/o Dukalu Ram Ravte,
aged about 55 years,
2. Smt. Rohni Bai W/o Rishou Ram
Rawte, aged about 50 years
3. Ku. Bharti, D/o Rishou Ram Rawte,
aged about 18 years,
All R/o Village Pragaon (Umradah)
Post Balmad, Thana & Tahsil Balod,
Distt. Durg (C.G.)

Present : Shri Jitendra Gupta, learned counsel for the appellants.

ORAL ORDER
(Passed on 28th July, 2006)

The following oral order of the Court was passed by

D.R. DESHMUKH, J.

This is an appeal filed by the owner and rider of the motor cycle, which was involved in the accident resulting in death of one Lokesh Kumar. Learned Tribunal has awarded a compensation of Rs. 5,06,000/- against the appellants. The only point urged by the learned counsel for the appellants in this appeal is that the learned Tribunal has erred in fastening the liability on the appellants since the

motor cycle of the appellants was neither being driven nor involved in an accident. However, on the perusal of the Claim Case No. 5/2005 we find that criminal prosecution was lodged against the driver of the motor cycle as is evident from the documents relating to the prosecution of the driver of the motor cycle. In that view of the matter the factual finding recorded by the learned Tribunal that the motor cycle owned by the appellant No. 1 and driven by appellant No. 2 was involved in the accident is correct and we find no justification for interference in the impugned order. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge